



LOS OSOS GROUNDWATER BASIN RETROFIT

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET ♦ ROOM 200 ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600

Promoting the Wise Use of Land ♦ Helping to Build Great Communities

LOS OSOS GROUNDWATER BASIN RETROFIT ORDINANCES

On April 22, 2008, the Board of Supervisors approved two plumbing retrofit ordinances for the Los Osos area. The ordinances address sea water intrusion into the lower aquifer zone of the Los Osos Groundwater Basin. To manage this serious problem, the ordinances require both new and existing development to help address this problem by retrofitting older, non-conserving toilets and showerheads with those that are water efficient. The ordinances will go into effect **May 22, 2008**.

Click on each link below to see additional information. The verification form and water conservation certificate are in draft form.

Title 8

All properties sold in Los Osos must replace older, high water-using toilets and showerheads with 1.28 or less gallons per flush (gpf) High Efficiency Toilets (HETs) and 2.5 or less gallon per minute (gpm) showerheads. Existing toilets rated at 1.6 gpf are exempt and may remain in the structure. Licensed plumbers and contractors or certified home inspectors may certify that a structure has been retrofitted or has 1.6 gpf toilets and is exempt.

- [Retrofit Notice](#)
- [Los Osos Retrofit Program](#)
- [Home Inspectors, Plumbers Memo](#)
- [Retrofit Verification Form](#)
- [Title 8 Water Conservation Certificate](#)
- [Title 8 Ordinance \(full text\)](#)
- [How to tell if your toilet is a High Efficiency Toilet \(HET\)](#)

Before you purchase a replacement toilet, go to the toilet ratings on the California Urban Water Conservation Council's website cuwcc.org/MapTesting.lasso

The Maximum Performance Test (MaP test) contains ratings for hundreds of models of 1.6 gpf and 1.28 gpf toilets. The higher the rating (from 100 to 1,000), the better the flushing performance.



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP

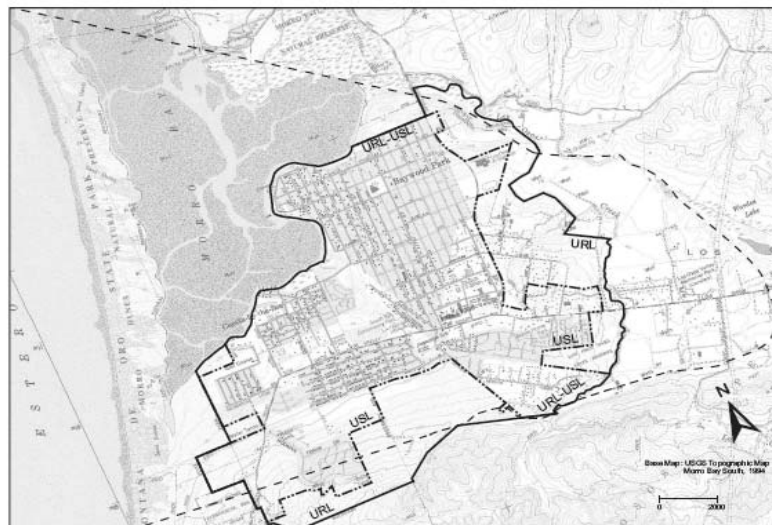
DIRECTOR

LOS OSOS RETROFIT PROGRAM

Selling a house or business in Los Osos? A plumbing (toilet and showerhead) retrofit program is being enacted in Los Osos effective **MAY 22, 2008**.

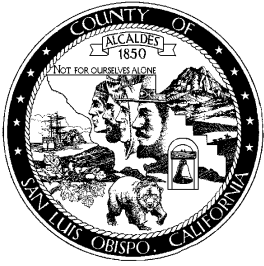
Title 8 - Plumbing Retrofits on Existing Homes for Sale

The property seller must remove older, high water-using toilets and showerheads in all of the property's structures and replace them with 1.28 or less gallons per flush toilets and 2.5 or less gallons per minute showerheads. A licensed plumber, contractor or home inspector must complete a Retrofit Verification Form for submittal to the Planning and Building Department. A Title 8 Water Conservation Certificate shall be given to the seller to show compliance with this ordinance.



For additional information, please go to the Planning and Building website: www.sloplanning.org and click on "What's New."

Questions? Contact James Caruso (781-5702 or jcaruso@co.slo.ca.us)



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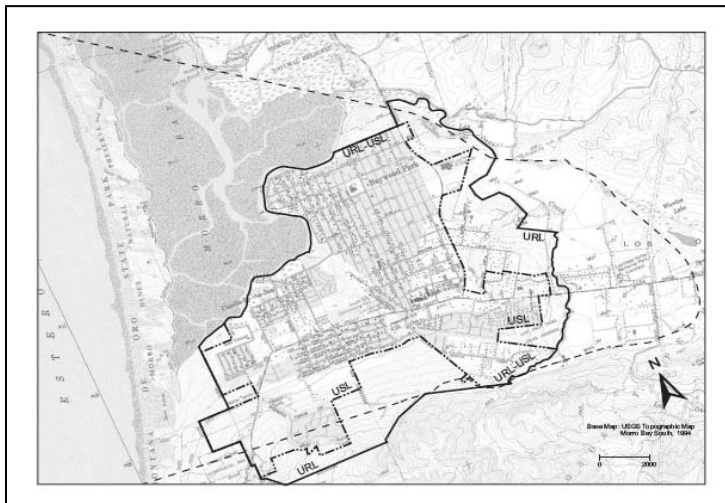
DATE: MAY 9, 2008

TO: HOME INSPECTORS

FROM: DEPT OF PLANNING AND BUILDING

SUBJECT: LOS OSOS RETROFIT PROGRAM

The County Board of Supervisors approved a **retrofit ordinance** for Los Osos that is effective **May 22, 2008**. The retrofit ordinance requires replacement of toilets and showerheads in all structures on a lot prior to sale of residential or commercial property. Replacement toilets must be **1.28 or less gallons per flush and showerheads must be 2.5 or less gallons per minute**. Toilets that meet the state's existing 1.6 gpf standard are exempt from this ordinance. The replacement toilets rated at 1.28 gpf or less are called High Efficiency Toilets or HET's. Dual flush toilets that have two buttons used to flush the toilet also meet this standard.



Home inspectors are authorized to check the type of toilet in structures and to report the results to the Dept on a **Retrofit Verification Form**. In addition to certified home inspectors, licensed plumbers and building contractors may also signed verification forms.

Home inspectors (or licensed plumbers) must complete the Verification form and the seller can use it to obtain the required **Title 8 Water Conservation Certificate** from the Department. This Certificate must be made a part of the

documents given to the buyer prior to close of escrow.

It's easy to determine what **type of toilet** is in use. Sellers and/or their agents can check the toilets in order to use the home inspectors time efficiently. The home inspector or plumber then just has to complete and sign the Verification form. They are not responsible for the installation.

Please contact James Caruso at jcaruso@co.slo.ca.us or 781-5702 for more information.



DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

Title 8: Retrofit Verification Form

Date: _____

Address: _____

APN: _____

Seller: _____

Agent: _____

Inspector: _____

Certification: _____

Bathroom #1

Existing Toilet Low Flow?

Yes/No
Circle one

gpf _____
(e.g. 1.6)

New Toilet: _____gpf

Existing Showerhead Low Flow?

Yes/No
Circle one

gpm _____
(e.g. 2.5; 5.0)

New shrhead: _____gpm

Faucet Aerators Present?

Yes/No
Circle one

New Aerator Installed?

Yes/Not applicable
Circle one

Bathroom #2

Existing Toilet Low Flow?

Yes/No
Circle one

gpf _____
(e.g. 1.6)

New Toilet: _____gpf

Existing Showerhead Low Flow?

Yes/No
Circle one

gpm _____
(e.g. 2.5; 5.0)

New shrhd: _____gpm

Faucet Aerators Present?

Yes/No
Circle one

New Aerator Installed?

Yes/Not applicable
Circle one

If used for Title 19 – name of builder/owner and address/APN of site: _____

Certificate #: _____

Staff: _____

Title 8: Retrofit Upon Sale Certificate

Address:

APN:

Seller:

Phone #:

Agent:

Phone #:



Certificate #:
Date:

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 8
OF THE SAN LUIS OBISPO COUNTY CODE,
THE HEALTH AND SANITATION ORDINANCE,
BY ADDING CHAPTER 8.91 RELATING TO A
PLUMBING FIXTURE RETROFIT UPON SALE ORDINANCE IN
THE LOS OSOS GROUNDWATER BASIN

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Chapter 8.91 of the Health and Sanitation Ordinance, Title 8 of the County Code, Retrofit of Plumbing Fixtures Upon Sale in the Los Osos Groundwater Basin, is hereby added as follows:

8.91.010 Purpose.

The Board of Supervisors does hereby find, determine and declare that overall water use in the Los Osos Groundwater Basin has surpassed a sustainable capacity:

1. The consumption of water in the Los Osos Groundwater Basin has resulted in seawater intrusion into the Los Osos Groundwater Basin. In response to this threat to groundwater, the community's only fresh potable water source, the Board of Supervisors has certified a Level of Severity III for the Los Osos Groundwater Basin; this is the highest severity level in the County General Plan's Resource Management System.

2. The purpose of this chapter is to reduce the amount of water being used by residential, commercial and other uses located in the Los Osos Groundwater Basin. Reduction in water use shall be achieved through retrofitting existing plumbing fixtures with low water consumption plumbing fixtures in existing homes, businesses and institutional buildings upon the sale of any such structure that uses water from the Los Osos Groundwater Basin.

8.91.020 Definitions.

The following words and phrases shall, for the purposes of this chapter, be interpreted as follows:

- (1) "Residential" means any private structure suited for or characterized by private residences or residential neighborhoods.

completed form is subject to review and approval by the Department prior to issuance of a Title 8 Water Conservation Certificate.

8.91.030 Retrofit upon sale.

Retrofit Requirements Upon Change of Real Property Ownership.

- (1) All existing residential, commercial, and other buildings that receive water from the Los Osos Groundwater Basin shall be retrofitted with low consumption plumbing fixtures at or prior to the time of sale. This ordinance shall apply to new escrows or sales agreements initiated after the effective date of this ordinance.
- (2) Responsibility of the Seller. The seller shall be responsible for complying with the requirements of this chapter and for obtaining a "Title 8 Water Conservation Certificate" in compliance with Section 8.91.030 prior to the time of sale.
- (3) Upon retrofitting of the structure, the seller shall submit evidence of the completed retrofit to the Department of Planning and Building. Such evidence shall consist of a County-provided Retrofit Verification Declaration completed and executed by a licensed plumber, licensed contractor or a home inspector certified by the CREIA, ASHI or ICC. The completed declaration shall be accompanied by any fee adopted by the Board of Supervisors.
- (4) Upon submittal of a Retrofit Verification Declaration to the San Luis Obispo County Department of Planning and Building and County approval of the Declaration, the seller shall be issued a "Title 8 Water Conservation Certificate" by the Department of Planning and Building.
- (5) The seller shall give written notice to the transferee of the requirements of this chapter prior to the change of ownership. A signed copy of the Title 8 Water Conservation Certificate and a written notice of retrofit requirements shall be included in the transfer documentation.
- (6) The seller of a structure that has already been retrofitted with low consumption plumbing fixtures may verify compliance with the Department of Planning and Building and request issuance of a "Title 8 Water Conservation Certificate" by one of the following methods:
 - (a) Physical inspection of the fixtures by a licensed plumber, licensed building contractor, or a home inspector certified by the CREIA, ASHI or ICC, and submittal of a Retrofit

Verification Declaration to the Department of Planning and Building for review and approval; or

- (b) Participation in a water purveyors' plumbing fixture rebate program in which documentation of an inspection demonstrates that the retrofit requirements of this chapter have been satisfied; or
 - (c) Submittal to the Department of a previously issued Title 8 Water Conservation Certificate for the parcel changing ownership.
- (7) Disposing of toilets. All toilets that have been removed from structures must be recycled in a legally established recycling facility to complete compliance, or in the case of 1.6 gallons-per-flush toilets, installed in another residential, commercial or other building outside of the Los Osos Groundwater Basin.

8.91.040 Exemptions.

- (1) All existing 1.6 gallon-per-flush toilets shall be exempt from the provisions of this chapter.
- (2) The Planning Director may exempt historic facilities from the provisions of this chapter, and impose reasonable conditions in lieu of full compliance herewith. The Director may exempt facilities from the provisions of this chapter when low consumption plumbing fixtures are not available to match a historic architectural style. The Director shall require that sufficient evidence or proof be submitted to substantiate any exemption.

8.91.050 Penalties.

Any seller who violates any provision of this chapter shall be guilty of a misdemeanor pursuant to chapter 1.04.010.

SECTION 2: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3: This ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. It shall be published with the names of the Board of Supervisors members voting for and against same, once in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION 4: The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

Introduced at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2008, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ____ day of _____, 2008, by the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

Chairman of the Board of Supervisors of the
County of San Luis Obispo, State of California

ATTEST:

County Clerk and Ex-Officio Clerk of the
Board of Supervisors, County of San Luis
Obispo, State of California

BY: _____

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

R. WYATT CASH
Acting County Counsel

By: _____
Deputy County Counsel

Dated: _____



LOS OSOS RETROFIT TOILET PROGRAM

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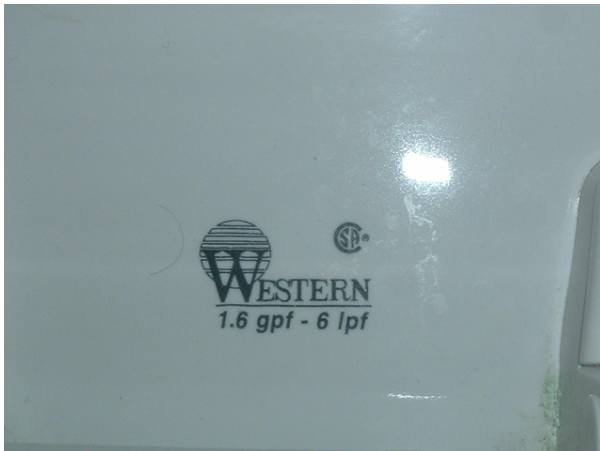
HOW CAN YOU TELL A TOILETS' "GALLONS PER FLUSH"?

It's fun and easy to check the type of toilets in your house or business. You can see immediately if you have a:

- 6.0 gpf
- 3.5 gpf
- 1.6 gpf

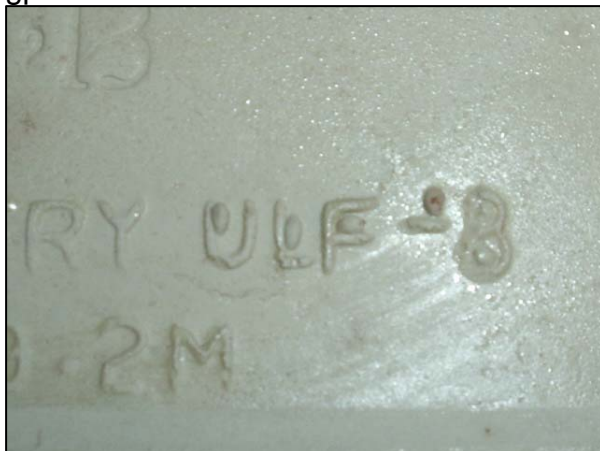
There are only two places to check:

Most 1.6 gallons per flush toilets are stamped on the top of the rim where it meets the tank like on (Picture A).



Picture A

Another way of checking is to take off the tank lid and look on the under side. You may see the letters – ULF – near the manufacture's name (picture B). This stands for - ultra low flow – or 1.6 gpf.



Picture B

What if the toilet doesn't say 1.6 gpf on the top side or the under side of the tank lid doesn't say ULF? In that case, a date (month, day and year) should be on the underside of the tank lid (Picture C):



Picture C

This toilet has a date of August 21, 1992. "Gallons per flush" ratings are based on the year stamped on the toilet lid:

Before January 1, 1980	6.0 gpf
Between January 1, 1980 – and January 1, 1994	3.5 gpf
After January 1, 1994 –	1.6 gpf

The toilet in the picture above is a 3.5 gpf toilet.